

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD B. KELLY,

Plaintiff,

V.

JACOB NULL,

Defendant.

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Civil No. **08-322-GPM**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff's motion to "stay summary judgment," wherein he cites difficulties securing the names of inmates on B-2 wing at Tamms and affidavits as cause for not being able to defend against defendant Powers' motion for summary judgment. **(Doc. 133).**

This Court has requested additional information from officials at Tamms Correctional Center regarding plaintiff's ability to secure affidavits from inmates at Tamms and other institutions. **(Doc. 130).** On August 31, 2009, U.S. District Judge G. Patrick Murphy is set to hear argument regarding defendant Powers' motion for summary judgment. Judge Murphy is aware of this Court's ongoing inquiry into plaintiff's ability to conduct discovery, and he is prepared to hear plaintiff on August 31, 2009. Therefore, the motion for summary judgment will not be stayed; any arguments plaintiff desires to present to Judge Murphy regarding why the motion should not be ruled on may be raised at the hearing on August 31, 2009.

IT IS THEREFORE ORDERED that the subject motion **(Doc. 133)** is **DENIED**.

IT IS SO ORDERED.

DATED: August 11, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE